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ORDER

April 7, 2023

Via ECF

Hon. Edward S. Kiel, U.S.M.J.

U.S. District Court for the District of New Jersey

Frank R. Lautenberg U.S. Post Office & Courthouse

2 Federal Square

Newark, New Jersey 07102

Re: Manata v. Union County Prosecutor's Office, et al.

Case No.: 22-cv-02005

Judge Kiel:

As Your Honor is aware, this office represents Plaintiff Antonio Manata in the above-referenced matter. Pursuant to Your Honor's January 25, 2023 Text Order (ECF No. 46), please accept this joint status letter due three days prior to the April 10, 2023 conference advising of the status of discovery and issues to be addressed.

Plaintiff's Position

Discovery remains on-going; however, discovery demands need to be served upon the additional parties to this matter. Nor have those added defendants served demands upon Plaintiff. Significantly more time is required to complete factual and expert discovery in this matter. Further, multiple Motions to Dismiss remains pending in this matter (ECF No. 39 and ECF No. 40). Therefore, Plaintiff proposes the Pre-Trial Scheduling Order be amended to the following:

- Full exchange of discovery demands by May 4, 2023
- Depositions to be completed by August 1, 2023
- Affirmative Expert Reports by October 31, 2023

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- Expert Discovery including depositions to be completed by December 31, 2023
- Discovery end date of January 11, 2023

Defendants UCPO, OAG, Platkin and Burke's Position (as forwarded by them)

On behalf of Defendants Union County Prosecutor's Office ("UCPO"), State of New Jersey, Office of the Attorney General ("OAG"), Attorney General Matthew Platkin ("Platkin") and Assistant Attorney General Richard Burke ("Burke") (collectively "Defendants"), Defendants believe that discovery should be stayed until the Court decides the pending motions to dismiss (co-defendant David Hummel separately filed a motion to dismiss). Defendants' motion is based on Eleventh Amendment immunity, qualified immunity and other dispositive arguments that Defendants believe will result in their dismissal from this matter. Given that, we believe the motions to dismiss should be decided prior to engaging in any discovery. We are prepared to file a motion seeking a stay if a formal motion would be needed.

Defendant Hummel's Position (as forwarded by Defendant Hummel)

Defendant Hummel concurs with and joins in the position of the UCPO defendants.

Should Your Honor have any questions or concerns, please do not hesitate to contact us. Otherwise, both parties plan to appear at the previously scheduled conference. We thank Your Honor for your time and attention to this matter.

Respectfully Submitted,
**LAW OFFICES OF NICHOLAS
J. PALMA, ESQ., P.C.**

By: /s/ Douglas J. Wisneiski
Douglas J. Wisneiski, Esq.
Attorney for Plaintiff Antonio Manata

DJW/fi
cc: All Counsel of Record (via ECF)

The highlighted portions above are So Ordered.

/s/ Edward S. Kiel
Edward S. Kiel, U.S.M.J.
Date: April 10, 2023